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**From:** Lambert, Wesley [Lambert.Wesley@epa.gov]  
**Sent:** 8/14/2018 10:06:27 PM  
**To:** McGill, Thomas [Mcgill.Thomas@epa.gov]  
**CC:** Calli, Rosemary [Calli.Rosemary@epa.gov]; Purify, Johnnie [Purify.Johnnie@epa.gov]  
**Subject:** RE: Please look at these 3 issues and see if there are any updates for the State Profiles..

Thanks

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**From:** McGill, Thomas  
**Sent:** Tuesday, August 14, 2018 6:01 PM  
**To:** Lambert, Wesley <Lambert.Wesley@epa.gov>  
**Cc:** Calli, Rosemary <Calli.Rosemary@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>  
**Subject:** FW: Please look at these 3 issues and see if there are any updates for the State Profiles..

Thanks Rosemary.

Wesley – Please see the update to the Assumption Issue below.

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**From:** Calli, Rosemary  
**Sent:** Tuesday, August 14, 2018 5:51 PM  
**To:** McGill, Thomas <Mcgill.Thomas@epa.gov>  
**Cc:** Purify, Johnnie <Purify.Johnnie@epa.gov>  
**Subject:** RE: Please look at these 3 issues and see if there are any updates for the State Profiles..

Tom – I aimed for summarizing the key messages in this state profile. The material already forwarded provides any additional detail needed, and I didn't want to get too redundant or dilute the key messages.

~ Rosemary

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**From:** McGill, Thomas  
**Sent:** Tuesday, August 14, 2018 10:54 AM  
**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Purify, Johnnie <Purify.Johnnie@epa.gov>  
**Subject:** FW: Please look at these 3 issues and see if there are any updates for the State Profiles..

Rosemary – Would you please update (in red text) the Assumption issue below and send back to me by COB today?  
Thanks. Tom

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**From:** Lambert, Wesley  
**Sent:** Tuesday, August 14, 2018 10:24 AM  
**To:** McGill, Thomas <Mcgill.Thomas@epa.gov>  
**Subject:** Please look at these 3 issues and see if there are any updates for the State Profiles..

**404 Assumption (Water)**

- We continue to actively support the state in its progress efforts towards 404 assumption. ~~and hold~~ EPA holds biweekly calls with FDEP to discuss the state's progress in developing a submittal package, and meets approximately every two months with FDEP in Tallahassee. The next in-person meeting is August 20-21.
- Key outstanding issues include FDEP rulemaking; ESA in permit reviews; identification of assumable/retained waters; permitting for projects that will take longer than the 5-year limit set out in the CWA statute; and FDEP's finalization of implementation procedures for their wetland delineation process.
- Before making their assumption request, Florida must pass a rule that will set up required program elements. The Florida rulemaking timeline and possible legal challenges to that rulemaking are currently driving the timeline.
- FDEP informed EPA staff that they may submit a package requesting state assumption of CWA 404 program administration in mid-November or December.
- Upon receipt of a complete request package, EPA's statutory review (up to 120 days) must include a public hearing, a 45-day public comment period, and consideration of comments received from the public, USACE, USFWS, and NMFS.

#### **EAA Reservoir Issue (Water)**

- The State of Florida is currently leading the NEPA planning process for construction of a reservoir south of Lake Okeechobee (Lake O) in the Everglades Agricultural Area that is intended to reduce harmful Lake releases to the St. Lucie and Caloosahatchee Estuaries. The additional storage and reduction of high water elevations within Lake Okeechobee would also increase flows into the central Everglades, including Everglades National Park. Florida submitted a post authorization change report request for the Central Everglades Planning Project to the Assistant Secretary of the Army (ASA) for Civil Works on March 30, 2018. The ASA for Civil Works will evaluate and report whether the project is feasible, providing any recommendations concerning project design or conditions for construction to congressional committees. Congressional approval of this plan by 10/1/2018, could result in a Post Authorization Change Report to modify features within the Central Everglades Planning Project (CERP), which was authorized as a federal project by Congress in 2016.
- The project planning timeline is moving at a fast pace. A 15 day public notice soliciting comments on the Army Corps' development of an Environmental Impact Statement, which will be incorporated into the State of Florida's study as an appendix, was issued on April 16, 2018. Lead EPA Region 4 Everglades and NEPA staff are currently writing comments for the scoping letter focusing on water quality, Everglades Restoration Strategies, and tribal consultation. The Army Corps of Engineers Jacksonville District will carry out the Government to Government and Endangered Species Act Consultations through a statement of work with the State.
- In a March 26, 2018, letter to the ASA for Civil Works, both Florida Senators and the Representatives for all 14 Congressional Districts in southern Florida stated their support for the SFWMD March 2018 report, and urged the Corps to expedite their review. A favorable review would allow Congress to consider authorizing the project in their current Water Resources and Development Act review cycle.
- The EPA Liaison to the Army Corps for CERP, has attended the majority of the public meetings held in South Florida and also agency only conference calls with EPA NEPA staff. The next EPA decision point will not occur until the Draft Environmental Impact Statement is issued by the Corps, then EPA's NEPA and Water Protection Division staff will review and provide the appropriate comments in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA).
- Both the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida have EPA-approved tribal water quality standards that are applicable to certain waters within and/or downstream of the project areas. In a letter to the South Florida Water Management District (SFWMD) dated January 8, 2018, the Miccosukee Tribe raised a host of concerns relating to the State's water management practices in the Everglades, and specifically objecting to water storage in the EAA. The letter copied Mr. Glenn, as well as Mr. Bartlett from FDEP, and Florida state legislators.

#### **Aquaculture (Water)**

- In February 2017, the USEPA entered into a Memorandum of Understanding (MOU) with six other federal agencies with the purpose of improving coordination and to streamline the regulatory permitting process for aquaculture facilities in Federal waters in the Gulf of Mexico (GOM). The six other federal agencies are:
  - Bureau of Ocean Energy Management (BOEM),
  - Bureau of Safety and Environmental Enforcement (BSEE),
  - National Marine Fisheries Service (NMFS),

- United States Army Corps of Engineers (USACE),
  - United State Coast Guard (USCG), and
  - United States Fish and Wildlife Service (USFWS).
- Region 4 is currently working on two NPDES permits for aquaculture facilities in federal waters of the GOM. EPA is the permit issuance agency for facilities discharging pollutants into federal waters. In accordance with the MOU, issuance of the two permits described below will be done in close coordination with other federal agencies.
- In January 2018, EPA R4 received a permit application from Kampachi Farms for a proposed aquaculture facility located approximately 33 miles from the western coast of Florida. The proposed facility is a research-scale project that includes a single net pen producing 150,000 lbs/year of almaco jack. The application is considered incomplete at this time. The permittee is currently working in good faith to obtain the missing information. In February, Region 4 will participate in a federal interagency meeting with the permittee to facilitate coordination between the agencies involved and discuss application requirements of each agency. The NMFS is the lead agency for the NEPA analysis and the EPA is a cooperating agency. Recently, five environmental groups threatened NOAA with a lawsuit to stop federal funding for marine aquaculture. This project may be affected by the lawsuit as it has received a grant from NOAA to do the research.
- In September 2017, Region 4 received a permit renewal application from Biomarine for a proposed project in the GOM, approximately 7.5 miles south of the Alabama shore near the border of Florida waters. Biomarine currently has the only effective NPDES permit for an aquaculture facility in the GOM, however, the facility has not been built. Biomarine proposes to construct a 28 acre commercial and research facility that will produce 6.4 million lbs/year in 56 net pen cages. In November 2017, the EPA sent a Notice of Deficiency letter to Biomarine stating that the NPDES application is incomplete and provided a list of information required for a complete application. The applicant has indicated that the information will not be submitted. The currently effective permit expires on March 30, 2018. The EPA is the lead agency for the NEPA analysis.